

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:)	
)	
Numbering Resource Optimization)	
)	
Qwest Communications Corporation, on)	CC Docket No. 99-200
Behalf of its IP-Enabled Services Operations,)	
Petition for Limited Waiver of)	
Section 52.15(g)(2)(i) of the Commission's)	
Rules Regarding Numbering Resources)	

COMMENTS OF THE IOWA UTILITIES BOARD

Introduction

On May 4, 2005, the Federal Communications Commission (Commission) released a Public Notice in CC Docket No. 99-200. The Commission is seeking comment on a petition by Qwest Communications Corporation, on behalf of its IP-Enabled Services (QCC/IPES) operation for a limited waiver of the Commission's numbering rules pursuant to 47 C.F.R. § 52.15(g)(2)(i). The waiver would allow QCC/IPES to obtain numbering resources directly from the North American Numbering Plan Administrator (NANPA) and/or the Pooling Administrator (PA) to provision its Voice over Internet Protocol (VoIP) services. QCC/IPES seeks the same relief that the Commission granted earlier to SBC Internet Services, Inc. (SBCIS).¹

¹ See *In the Matter of Administration of the North American Numbering Plan*, CC Docket No. 99-200, FCC 05-20, released Feb. 1, 2005 (Order).

The Iowa Utilities Board (IUB) did not support the initial waiver sought by SBCIS.² The Commission's order approving the SBCIS waiver has now opened the door to the rest of the emerging VoIP industry to seek similar waivers.³ In recent months, at least eleven additional VoIP service providers have requested relief from the Commission. Previously the IUB submitted comments on waivers requested by six VoIP service providers.⁴ The IUB maintains that if additional waivers are to be granted, the Commission must be cognizant of the potential for harm to area code stability that could result, and the Commission should condition any approval of additional waivers to minimize the likelihood of such harm occurring.

"Pooling Excluded" Rate Centers

In granting the initial waiver, the Commission noted that "SBCIS will be able to obtain blocks of 1,000 numbers in areas where there is pooling, as opposed to obtaining a block of 10,000 numbers."⁵ This statement does not appear to recognize that pooling may not be widespread in rural areas. Iowa, for example, has 816 rate centers, yet in 396 (48 percent) of its rate centers pooling is "excluded" because mandatory pooling is limited to the top 100 metropolitan statistical areas. Moreover, there is no requirement that would prohibit SBCIS, or any other VoIP provider with a Commission waiver, from requesting numbering resources in each of Iowa's rate centers. If that were to happen, at least 396 full

² See comments filed by Iowa Utilities Board on August 16, 2004, CC Docket No. 99-200.

³ See Order at paragraph 4.

⁴ See April 11, 2005, Comments of IUB in CC Docket No. 99-200 regarding RNK Telecom, Nuvio Corporation, Unipoint Enhanced Services, Dialpad Communications, Inc., Vonage Holdings Corporation, and VoEX, Inc.

⁵ See Order at paragraph 9.

codes of 10,000 numbers would need to be assigned. With the grant of each additional waiver, the risk increases of this scenario occurring. In three of Iowa's number planning areas (319, 641, and 712), just a few blanket requests for numbering resources would expose those area codes to jeopardy.

Although some may question the likelihood of this scenario occurring, it is reasonable to assume that consumers using a VoIP service to replace their existing telephone service would want their neighbors to be able to call them via a local call. Therefore, VoIP providers have a clear incentive to provide local telephone numbers wherever they offer service. And VoIP providers would have the capability to provide service in most of Iowa's "excluded" rate centers because the necessary broadband connection is widely available.

Therefore, the IUB recommends the Commission condition additional waivers to preclude VoIP providers from obtaining numbering resources directly from the NANPA or PA in rate centers "excluded" from pooling. In "excluded" rate centers, VoIP providers could continue to partner with certified local exchange carriers to interconnect with the public switched telephone network and to obtain telephone numbers. Precluding VoIP providers from obtaining numbering resources directly from the NANPA or PA in "excluded" rate centers will help rural states maintain the integrity of existing area codes.

"Pooling Optional" Rate Centers

Another 259 (31 percent) of Iowa's rate centers are classified as "pooling optional." In these areas there may be thousands-blocks potentially available, but a service provider's "back office" procedures often do not appear to identify

“pooling optional” rate centers. This requires the NANPA, PA, or the state commission to notify other carriers serving a “pooling optional” rate center to locate thousands-blocks to be donated. In its previous order, the Commission required SBCIS to notify relevant state commissions at least 30 days prior to requesting numbers from the NANPA or PA.⁶

Such notification would give states additional time to locate thousands-blocks in “pooling optional” rate centers. But the reality is that the burden of maintaining area code stability now rests mostly on the shoulders of state commissions in the face of blanket numbering requests from multiple VoIP providers. For this reason, the Commission should grant state commissions authority to order additional time to review numbering applications from VoIP providers in “pooling optional” rate centers, for good cause. Without such authority, and because of the NANPA’s and PA’s limited timeframes for processing numbering applications, the result could be unnecessary assignments of full codes of 10,000 numbers. This could unnecessarily expose whole area codes to jeopardy.

North American Numbering Council to Review Numbering Rules

In granting the initial waiver, the Commission requested “the North American Numbering Council (NANC) to review whether and how our numbering rules should be modified to allow IP-enabled service providers access to numbering resources in a manner consistent with our numbering optimization policies.”⁷ The IUB notes that the NANC has referred this issue to its Future of

⁶ See Order at paragraph 4.

⁷ See Order at paragraph 1.

Numbering Working Group (Working Group), and IUB staff is a participant. However, the Working Group was actively engaged with a previous assignment at the time the Commission issued the SBCIS order. The previous assignment has delayed the Working Group's progress towards developing a report and recommendations on VoIP numbering. It would be a case of putting the "cart before the horse" if the Commission were to grant additional waivers before the Working Group has issued its report and recommendations.

Conclusions and Recommendations

The IUB points out that on a national basis, the numbers of "excluded" and "pooling optional" rate centers exceeds the number of rate centers where pooling is mandatory. Of the 20,334 rate centers in the country, 5,946 (29 percent) are classified as "excluded" from pooling, and 6,282 (31 percent) rate centers are classified as "pooling optional." Thus, in approximately 60 percent of the rate centers in the country, there is no assurance that VoIP service providers requesting numbers directly from the NANPA or PA would be assigned thousands-blocks of numbers as opposed to full codes of 10,000 numbers. With each additional waiver of the Commission's numbering rules, the potential for harm to individual area codes and the North American Numbering Plan increases.

Therefore, the Commission should condition additional waivers of 47 C.F.R. § 52.15(g)(2)(i) to preclude VoIP providers from obtaining numbering resources directly from the NANPA or PA in rate centers "excluded" from pooling. Such orders should also grant state commissions authority to order additional

time to review VoIP numbering applications in “pooling optional” rate centers, for good cause. Furthermore, the Commission should refrain from granting additional waivers of 47 C.F.R. § 52.15(g)(2)(i) until NANC’s Future of Numbering Working Group has issued its report and recommendations regarding how the Commission’s rules should be modified to allow IP-enabled service providers access to numbering resources.

June 3, 2005

Respectfully submitted,

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